



APPLICATION ACCEPTED: September 7, 2012  
DATE OF PUBLIC HEARING: November 28, 2012  
TIME: 9:00 a.m.

# County of Fairfax, Virginia

---

November 21, 2012

## STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2012-LE-060

### LEE DISTRICT

**APPLICANT/OWNER:** Paul C. Skiba

**LOCATION:** 6421 Windham Ave., Alexandria, 22315

**SUBDIVISION:** Windsor Estates

**TAX MAP:** 91-3 ((3)) 77

**LOT SIZE:** 22, 000 s.f.

**ZONING:** R-1

**ZONING ORDINANCE PROVISION:** 8-914

**SPECIAL PERMIT PROPOSAL:** To permit reduction to minimum yard requirements based on error in building location to permit accessory structure (garage) to remain 2.8 ft. from side lot line and accessory storage structures to remain 2.6 ft. from side lot line and 1.2 ft. from rear lot line, and 3.7 ft. from side lot line.

A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

The approval of this special permit does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

*O:\vgumk2\SP Cases\11-28 SP 2012-LE-060 Skiba (Error)\SP 2012-LE-060 Skiba Staff Report.docx*

Laura Gumkowski

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**

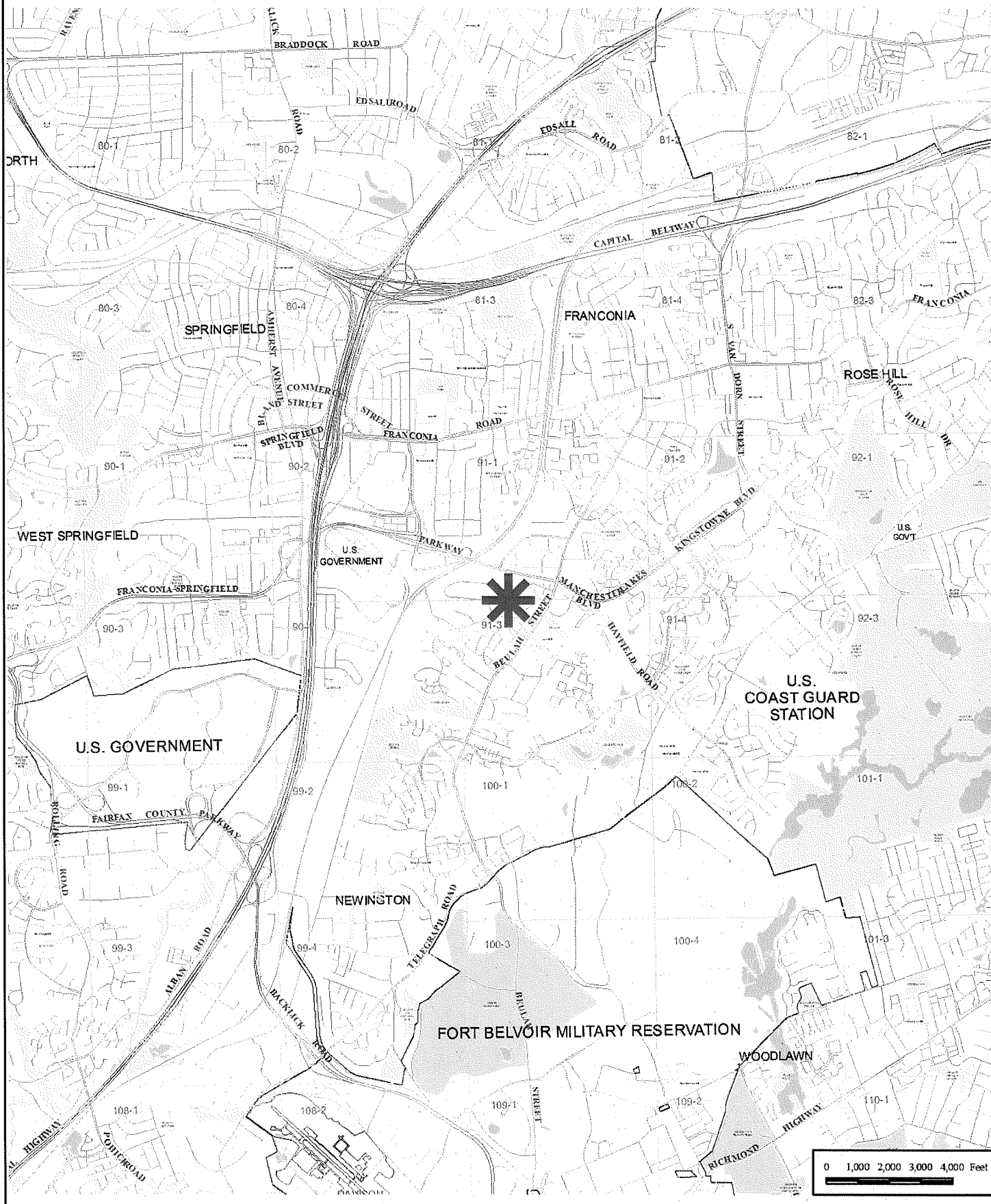


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

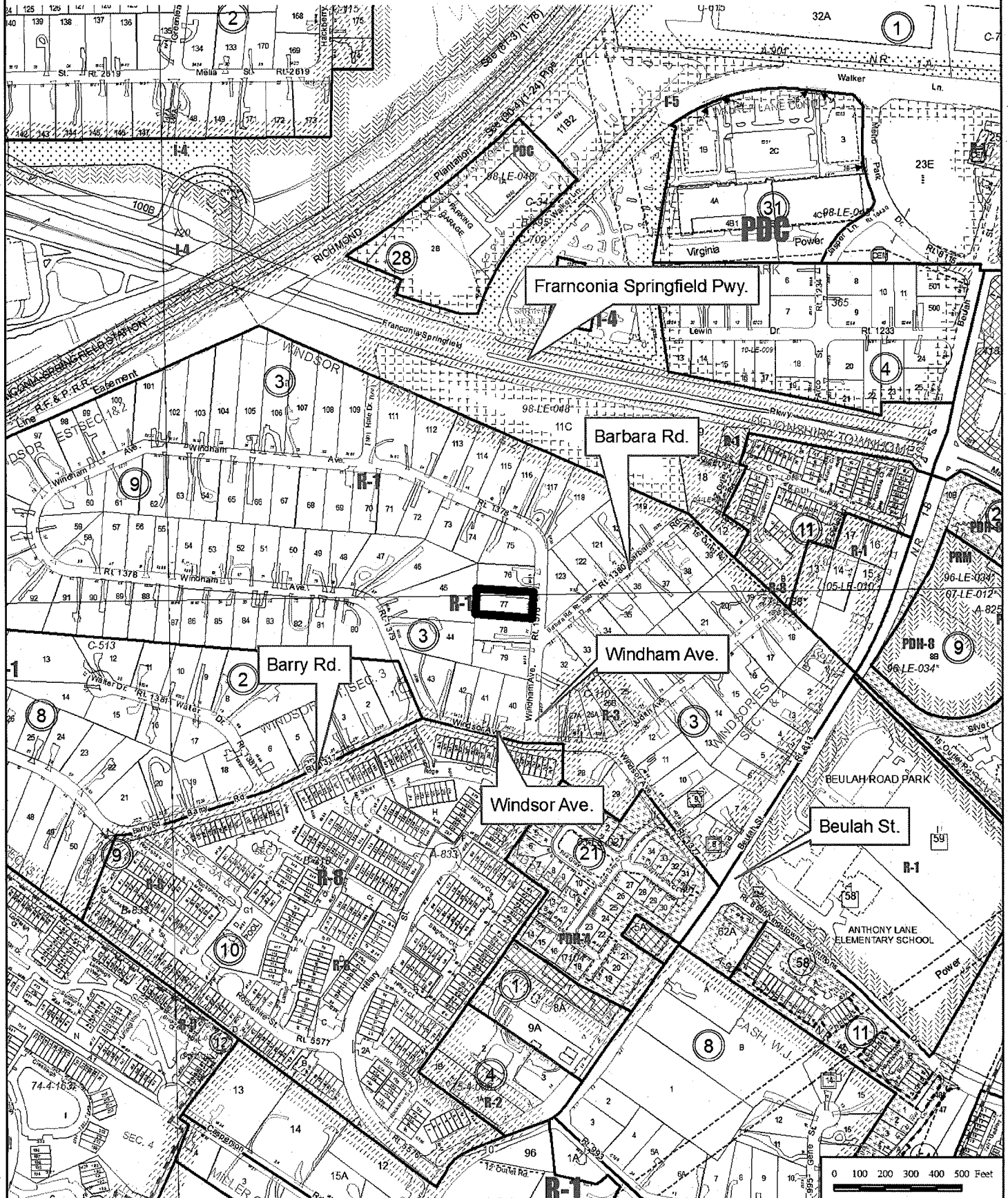
# Special Permit

SP 2012-LE-060

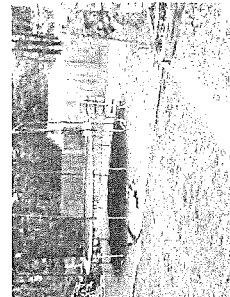
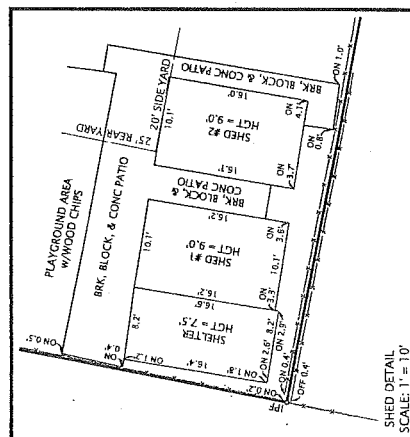
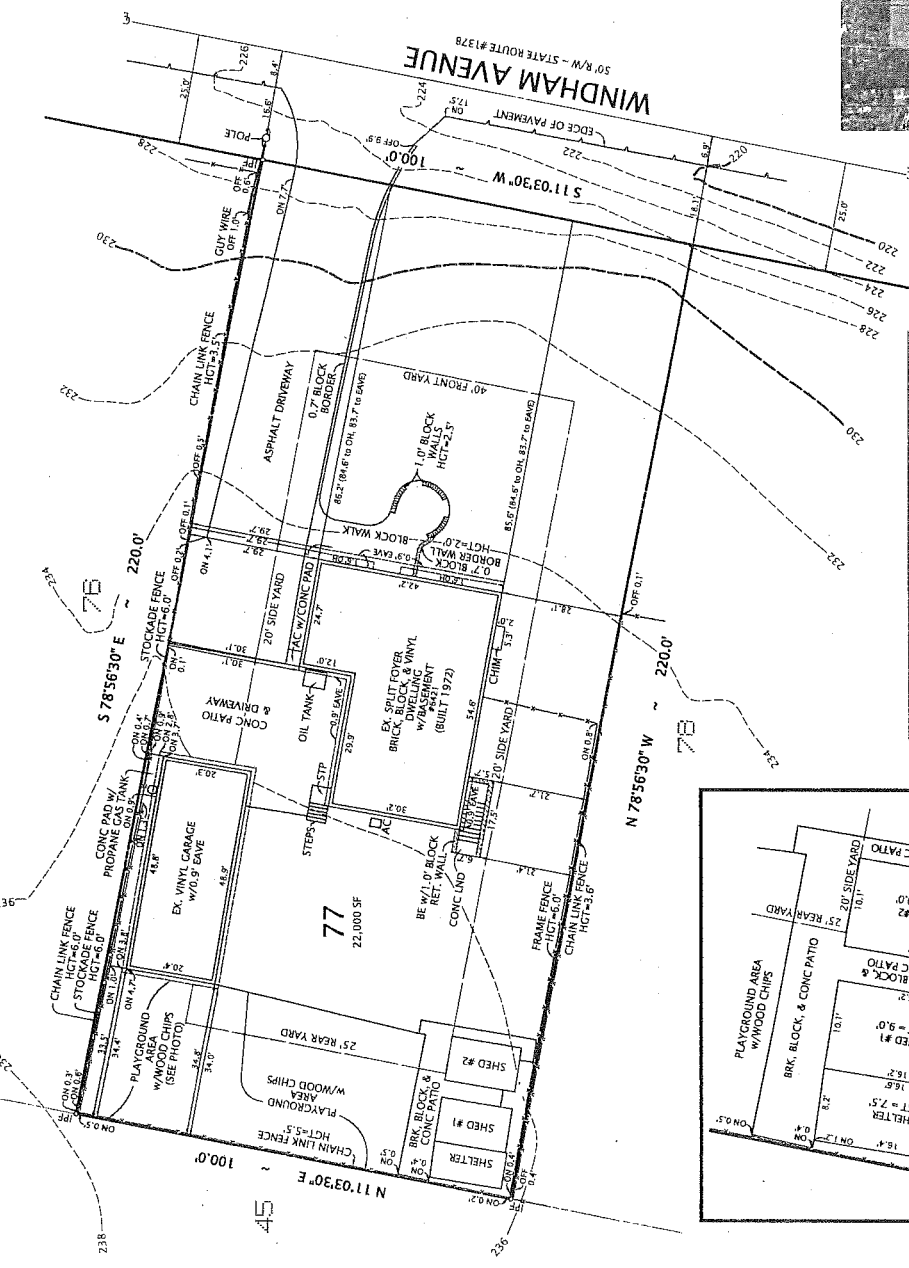
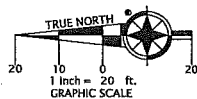
PAUL C. SKIBA



**SP 2012-LE-060**  
**PAUL C. SKIBA**





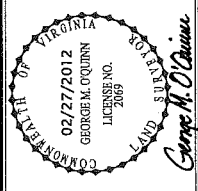


NOT TO SCALE

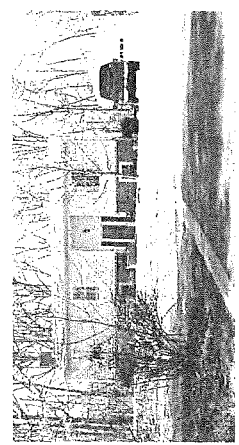
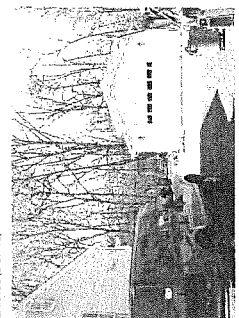
PLAT  
SHOWING HOUSE LOCATION ON  
LOT 77, SECTION TWO  
**WINDSOR ESTATES**  
(DEED BOOK 880, PAGE 235)  
**FAIRFAX COUNTY, VIRGINIA**

LEE DISTRICT  
FEBRUARY 27, 2012  
AUGUST 13, 2012 (REAR YARD CALC)  
SCALE: 1" = 20'

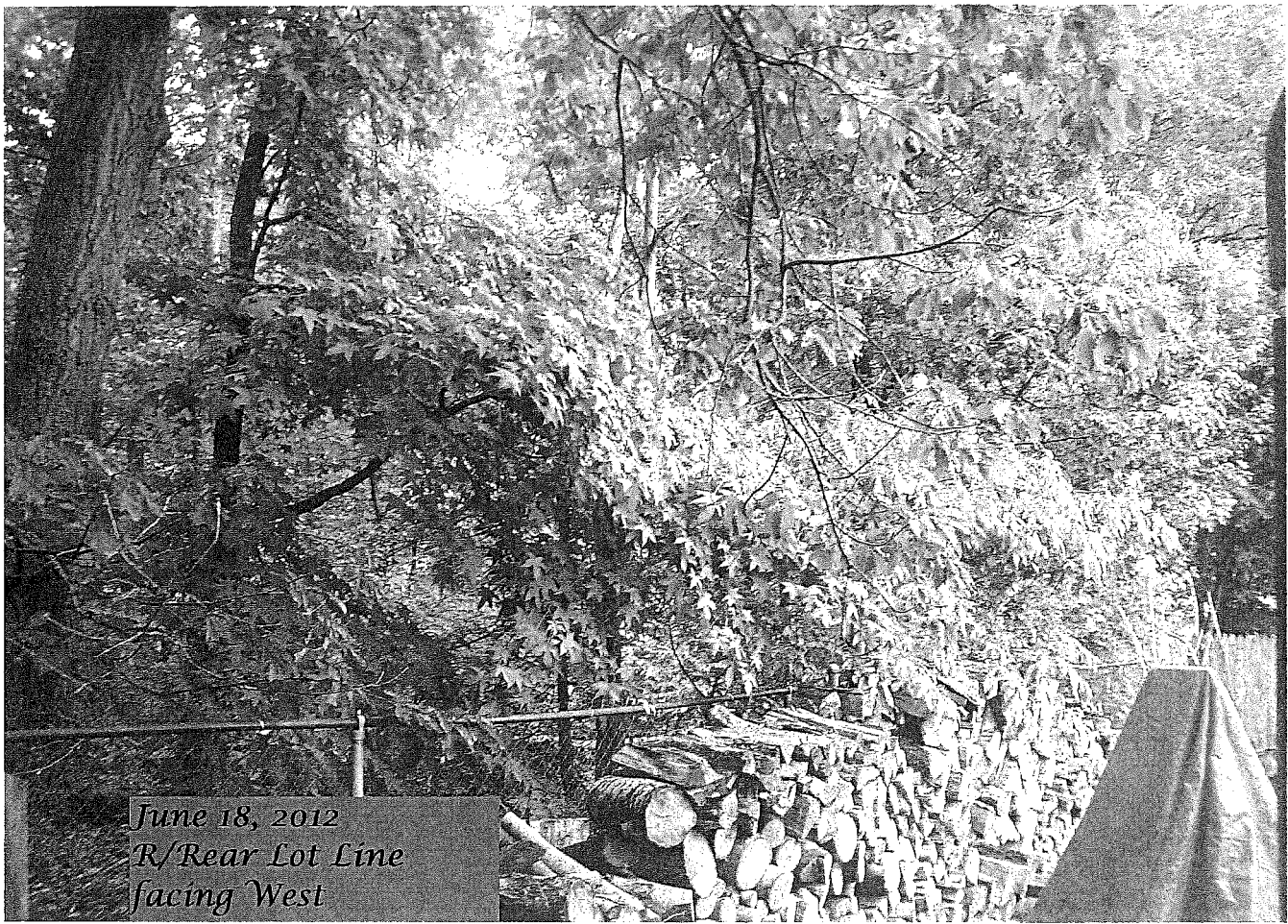
I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT FIELD SURVEY AND UNLESS SHOWN THERE ARE NO WHILE ENCLOSURES AS OF THE DATE:  
THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD.  
A TITLE REPORT WAS NOT FURNISHED.  
NO CORNER MARKERS SET.



CASE NAME:  
PAUL C. SIBA  
**DOMINION** Surveyors, Inc.  
8808-H PEAR TREE VILLAGE COURT  
ALEXANDRIA, VIRGINIA 22309  
703-461-9555  
FAX: 703-739-9512



- NOTES
- TAX MAP: 91-3-03-0077
  - ZONE: R-1 (RESIDENTIAL 1 DU/AC)
  - LOT AREA: 22,000 SF. (0.5051 ACRE)
  - REQUIRED YARDS:  
FRONT: = 40.0 FEET  
SIDE: = 20.0 FEET  
REAR: = 25.0 FEET
  - HEIGHTS:  
EX. DWELLING = 15.6 FEET  
EX. SHEDS = AS NOTED  
EX. GARAGE = 14.6 FEET (MIDLINE OF ROOF)  
WALLS = 16.8 FEET (RIDGELINE OF ROOF)  
FENCES = AS NOTED
  - THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
  - THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
  - ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING UNLESS DENOTED AS PROPOSED.
  - THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
  - TOPOGRAPHY DELINEATED HEREON WAS TAKEN FROM AVAILABLE RECORDS, IS SHOWN AT 2' INTERVALS, AND IS AERIAL.
  - THERE ARE NO FLOODPLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
  - AREAS:  
EX. BASEMENT = 1,945 SF  
EX. FIRST FLOOR = 2,005 SF  
EX. GARAGE = 893 SF  
EX. GROSS FLOOR AREA = 4,947 SF
  - FLOOR AREA RATIO: EX. GFA (4947) / LOT AREA (22,000) = 0.22
  - REAR YARD COVERAGE CALCULATION:  
REAR YARD = 2,500 SQUARE FEET  
REAR YARD IMPERVIOUS COVER = 534 SQUARE FEET (INCLUDES SHED #1, SHELTER AND PATIO)  
 $534 / 2500 = 0.21$



RECEIVED  
Department of Planning & Zoning  
SEP 04 2012  
Zoning Evaluation Division



*June 18, 2012  
Ctr/Rear Lot Line  
facing West*

RECEIVED  
Department of Planning & Zoning

SEP 04 2012

Zoning Evaluation Division



RECEIVED  
Department of Planning & Zoning

SEP 04 2012

Zoning Evaluation Division





*June 18, 2012*  
*South Lot Line facing*  
*West*

**RECEIVED**  
Department of Planning & Zoning  
SEP 04 2012  
Zoning Evaluation Division

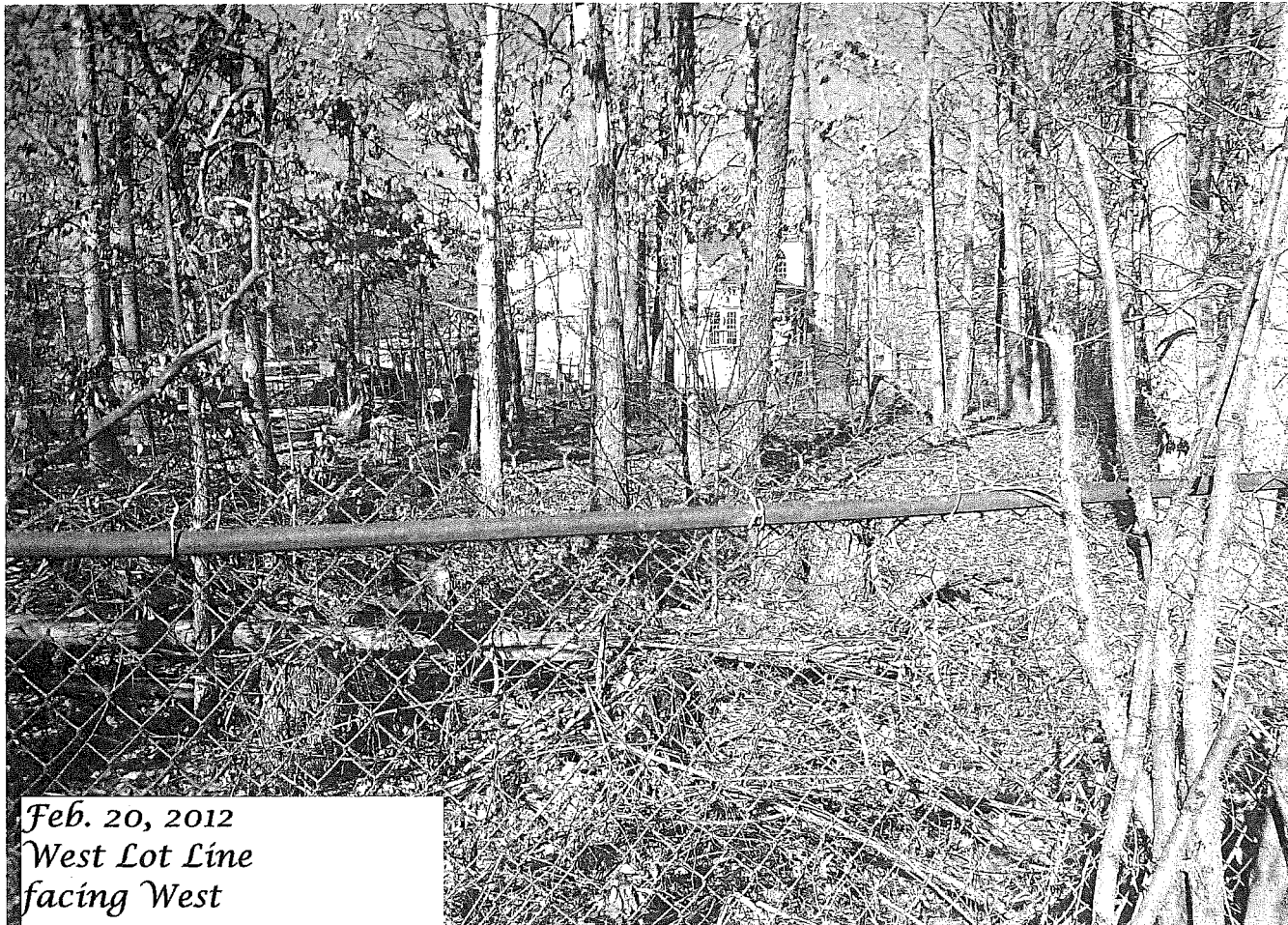


June 18, 2012  
North Lot Line  
Facing West

RECEIVED  
Department of Planning & Zoning

SEP 04 2012

Zoning Evaluation Division



*Feb. 20, 2012  
West Lot Line  
facing West*

RECEIVED  
Department of Planning & Zoning

SEP 04 2012

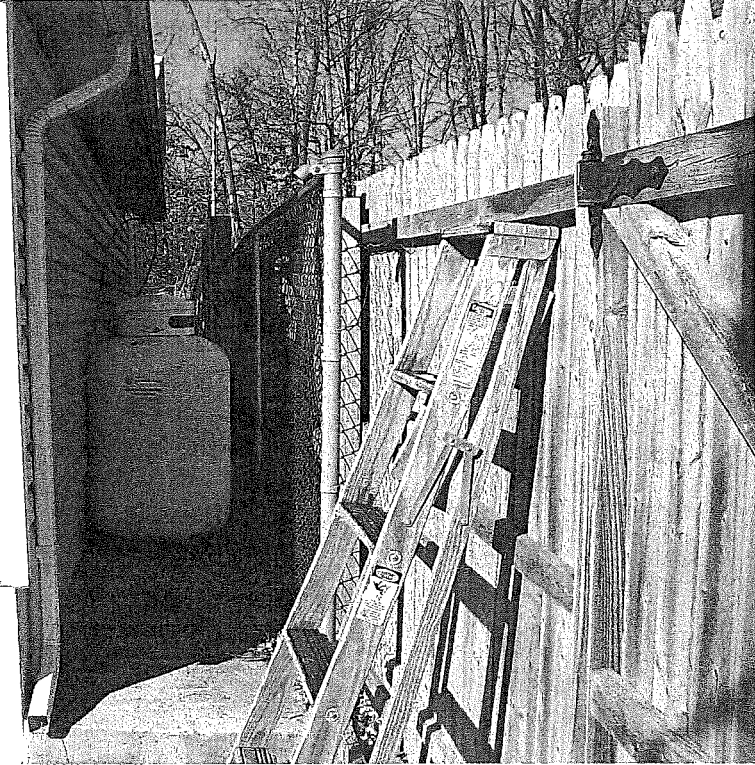
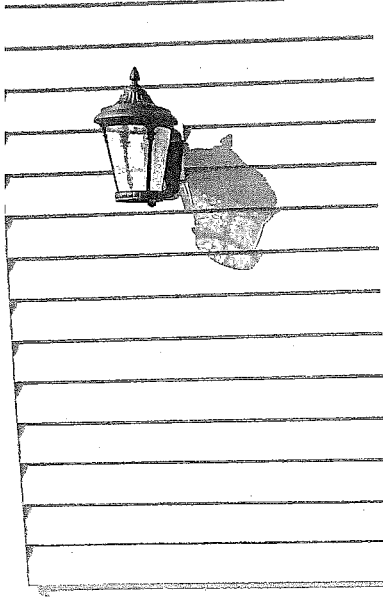
Zoning Evaluation Division



*Feb. 20, 2012*  
*South Side Rear Yard*

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Department of Planning & Zoning  
SEP 04 2012  
Zoning Evaluation Division





*Feb. 20, 2012  
North Side Lot  
Facing West*

RECEIVED  
Department of Planning & Zoning

SEP 04 2012

Zoning Evaluation Division



**DESCRIPTION OF THE APPLICATION**

The applicant is requesting three special permit approvals. The first request is for approval of a special permit for an error in building location to permit an existing accessory structure (detached garage) to remain 2.8 feet from the eave to the northern side lot line.

	Structure	Yard	Min. Yard Req.*	Structure Location	Amount of Error	Percent of Error
<b>Special Permit #1</b>	<b>Garage</b>	Side	20.0 feet	2.8 feet	17.2 feet	86%

\*Minimum Yard Requirement per Section 3-107

The second request is for approval for an error in building location to permit an existing accessory storage structure, a 9 foot tall shed with attached shelter, to remain 2.6 feet from southern side lot line and 1.2 feet from the rear lot line.

	Structure	Yard	Min. Yard Req.*	Structure Location	Amount of Error	Percent of Error
<b>Special Permit #2</b>	<b>Accessory Storage Structure (shed w/ shelter)</b>	Side	20.0 feet	2.6 feet	17.4 feet	87%
	<b>Accessory Storage Structure</b>	Rear	9.0 feet	1.2 feet	7.8 feet	86.6%

\*Minimum yard requirement per Section 10-104.10

The third error in building location request is to permit an existing accessory storage structure, and also a 9.0 foot tall shed, identified as Shed 2, to remain 3.7 feet from the southern side lot line.

	Structure	Yard	Min. Yard Req.*	Structure Location	Amount of Error	Percent of Error
<b>Special Permit #3</b>	<b>Accessory Storage Structure</b>	Side	20.0 feet	3.7 feet	16.3 feet	81.5%

**CHARACTER OF THE AREA**

	<b>Zoning</b>	<b>Use</b>
<b>North</b>	R-1	Single Family Detached Dwellings
<b>South</b>	R-1	Single Family Detached Dwellings
<b>East</b>	R-1	Single Family Detached Dwellings
<b>West</b>	R-1	Single Family Detached Dwellings

**EXISTING SITE DESCRIPTION**

The 22,000 square foot lot is developed with a split level brick and vinyl single-family detached dwelling constructed in 1972. A vinyl garage, approximately 993 square feet in area and 16.8 feet in height, exists to the northwest of the single family dwelling. Two accessory storage structures exist to the southwest of the home which are located on a brick, block and concrete patio. The accessory storages structures are sheds that are both 9.0 feet in height. The easternmost shed is 163.6 square feet in area and the other is 161.6 square feet. The accessory storage structure labeled as a shelter on the plat is attached to the western most shed on a common wall, and is approximately 134.5 square feet in area. A playground area exists to the west of the home in the rear yard, and contains a metal swing set and a trampoline. The front yard slopes down to the east. The property has a manicured lawn with mature trees and shrubs. A 5.5 foot chain link fence exists in the rear yard along the western property line. A 6.0 foot high stockade fence exists on the northern side property line and a 6.0 frame fence exists on the southern side property line. An asphalt driveway provides access from Windham Avenue. A concrete block walkway, with 1.0 foot high block walls, provides access from the driveway to the front entrance. A concrete patio exists to the northwest of the single family dwelling.

**BACKGROUND**

According to Fairfax County Tax Records the applicant purchased the property in 1997. In 1972 a building permit was requested to begin the construction of a home on the property. In 1977, a building permit was filed and approved for the construction of a fireplace chimney and a detached garage. The detached garage was approved at 20 feet by 24 feet and was located 2 feet from the northern side lot line. There was no building permit found for the expansion of the garage. Based on aerial photos the addition to the garage was constructed between 2004 and 2007 (see Appendix 5). In 2003, a building permit was requested for a two story addition to be constructed on the rear of the primary dwelling. The easternmost shed, according to aerials, was constructed between 2009 and 2011. In 2009 a complaint was filed against the property for an accessory structure. A Notice of Violation was filed and the applicant complied. A

separate complaint was filed against the applicant also in 2009 for the operation of a business in a residential district, but no violation was found. A copy of the building permit history is attached as Appendix 4 and the aerial photos are attached as Appendix 5.

Following the adoption of the current Ordinance, the BZA has heard the following special permit applications in the vicinity of the application parcel:

- Special Permit SP 2005-LE-037 was approved on December 6, 2005 for Tax Map 90-2 ((9)) 100, zoned R-1, at 6504 Windham Avenue, to permit a reduction to minimum yard requirements based on error in building location to permit addition to remain 14.1 feet with eave 13.7 feet from side lot line.

A copy of the submitted special permit plat titled "Plat, Showing House Location on Lot 77, Section 2, Windsor Estates" prepared by Dominion Land Surveyors Inc., dated February 27, 2012, as revised through August 13, 2012, is included at the front of the staff report.

## **ZONING ORDINANCE REQUIREMENTS**

- General Special Permit Standards (Sect. 8-006)
- Group 9 Standards (Sect. 8-903)
- Provisions for Approval of Reduction of the Minimum Yard Requirements Based on an Error in Building Location (Sect. 8-914)

This special permit is subject to Sects. 8-006, 8-903 and 8-914 of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 6. Subject to development conditions, the special permit must meet these standards.

## **CONCLUSION**

If it is the intent of the BZA to approve this application, the BZA should condition its approval by requiring conformance with the conditions set forth in Appendix 1 of this report, Proposed Development Conditions.

The approval of this special permit does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

## **APPENDICES**

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Building Permit History
5. Aerial Photos of Property from 2004-2011
6. Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS**

**SP 2012-LE-060**

**November 21, 2012**

1. This special permit is approved for the locations of the vinyl garage and sheds as shown on the plat prepared by George M. O'Quinn, dated February 27, 2012 as revised through August 13, 2012, submitted with this application and is not transferable to other land.
2. All applicable permits and final inspections shall be obtained for the garage and if required for the shed and shelter within 180 days of approval of this application.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Application No.(s): SP 2012-LE-060  
 (county-assigned application number(s), to be entered by County Staff)

## SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: JULY 3, 2012  
 (enter date affidavit is notarized)

I, Paul C. Skiba, do hereby state that I am an  
 (enter name of applicant or authorized agent)

(check one) ☒ applicant  
☐ applicant's authorized agent listed in Par. 1(a) below

116733

and that, to the best of my knowledge and belief, the following is true:

- 1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,\* and, if any of the foregoing is a **TRUSTEE,\*\*** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
Paul C. Skiba	6421 Windham Ave Alexandria VA, 22315	<b>Applicant</b> <b>Title Holder</b>

(check if applicable) ☐ There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

\*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).



Application No.(s): SP 2012-LE-060  
(county-assigned application number(s), to be entered by County Staff)

Page Two

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: July 3, 2012  
(enter date affidavit is notarized)

116733

1(b). The following constitutes a listing\*\*\* of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

**(NOTE:** Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES,** and **REAL ESTATE INVESTMENT TRUSTS** herein.)

**CORPORATION INFORMATION**

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

N/A

**DESCRIPTION OF CORPORATION:** (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below

**NAMES OF SHAREHOLDERS:** (enter first name, middle initial, and last name)

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s):

SP 2012-LE-060  
(county-assigned application number(s), to be entered by County Staff)

Page Three

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: July 3, 2012  
(enter date affidavit is notarized)

116733

- 1(c). The following constitutes a listing\*\*\* of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

**PARTNERSHIP INFORMATION**

**PARTNERSHIP NAME & ADDRESS:** (enter complete name, number, street, city, state, and zip code)

(check if applicable) ☐ The above-listed partnership has no limited partners

**NAMES AND TITLE OF THE PARTNERS** (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

N A

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): SP 2012-LE-060  
(county-assigned application number(s), to be entered by County Staff)

Page Four

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: July 3, 2012  
(enter date affidavit is notarized)

116733

1(d). One of the following boxes must be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

NONE

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No.(s): SP 2012-LE-060  
(county-assigned application number(s), to be entered by County Staff)

Page Five

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: JUL 3, 2012  
(enter date affidavit is notarized)

116733

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on line below.)

NONE

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

Paul C. Shiba  
☒ Applicant ☐ Applicant's Authorized Agent

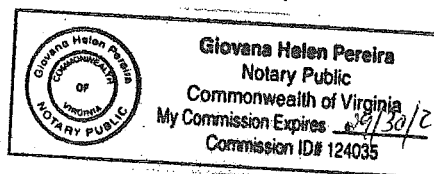
PAUL C. SHIBA, Owner/Title Holder  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 03rd day of July 20 12, in the State/Comm. of Virginia, County/City of Fairfax

My commission expires:

09/30/2012

Giovana Helen Pereira  
Notary Public



**SPECIAL PERMIT STATEMENT OF JUSTIFICATION**

**APPENDIX 3**

A written statement from the applicant describing the proposed use, and other pertinent data, including specifically:

A. Type of operation(s).

**I am requesting a special permit for error in building location for my residential garage. My garage is for personal use only to store and maintain my vehicles.**

B. Hours of operation.

**The garage is for personal use only, for myself and my family and can be accessed 24 hours a day, 7 days a week.**

C. Estimated number of patrons/clients/patients/pupils/etc.

**There are no patrons/clients/patients/pupils/etc., using the garage.**

D. Proposed number of employees/attendants/teachers/etc.

**There are no employees/attendants/teachers/etc., using the garage.**

E. Estimate of traffic impact of the proposed use, including the maximum expected trip generation and the distribution of such trips by mode and time of day.

**There is no traffic impact from the proposed use.**

F. Vicinity or general area to be served by the use.

**No particular area is served by the use of the garage except the owner and the owner's family, which resides at this location.**

G. Description of building facade and architecture of proposed new building or additions.

**The building façade is vinyl siding and the architecture is standard residential.**

H. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on-site and the size and contents of any existing or proposed storage tanks or containers.

**There are no hazardous or toxic substances generated, utilized, stored, treated or disposed of on site. There is one propane storage tank (100 gallon) on site, which is used to heat the garage and has passed inspection through Fairfax County.**

I. A statement of how the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions, or, if any waiver, exception or variance is sought by the applicant from such ordinances, regulations, standards and conditions, such shall be specifically noted with the justification for any such modification.

**The garage is only used as a residential garage and as such, conforms to all applicable ordinances, regulations and standards. No waivers, exceptions or variances for the proposed use are requested.**

**SPECIAL PERMIT STATEMENT OF JUSTIFICATION**

RECEIVED  
Department of Planning & Zoning  
JUN 18 2012  
Zoning Evaluation Division

A written statement from the applicant describing the proposed use, and other pertinent data, including specifically:

A. Type of operation(s).

The sheds are used for storage of household items, lawn care and landscaping tools as well as recreational equipment such as bicycles, etc.

B. Hours of operation.

The sheds are for personal use only, for myself and my family and can be accessed 24 hours a day, 7 days a week.

C. Estimated number of patrons/clients/patients/pupils/etc.

There are no patrons/clients/patients/pupils/etc., using the sheds.

D. Proposed number of employees/attendants/teachers/etc.

There are no employees/attendants/teachers/etc., using the sheds.

E. Estimate of traffic impact of the proposed use, including the maximum expected trip generation and the distribution of such trips by mode and time of day.

There is no traffic impact from the proposed use.

F. Vicinity or general area to be served by the use.

No particular area is served by the use of the sheds except the owner and the owner's family, which reside at this location (6421 Windham Ave., Alexandria, VA 22315.)

G. Description of building facade and architecture of proposed new building or additions.

The sheds are barn style with t-111 siding.

H. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Virginia Department of Environmental Quality Hazardous Waste Management Regulations; and/or petroleum products as defined in Title 40, Code of Federal Regulations Part 280; to be generated, utilized, stored, treated, and/or disposed of on-site and the size and contents of any existing or proposed storage tanks or containers.

There are no hazardous or toxic substances generated, utilized, stored, treated or disposed of on site.

I. A statement of how the proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions, or, if any waiver, exception or variance is sought by the applicant from such ordinances, regulations, standards and conditions, such shall be specifically noted with the justification for any such modification.

Used as residential sheds, no waivers, exceptions or variances for the proposed use are requested.

LOT 77

WINDSOR ESTATES

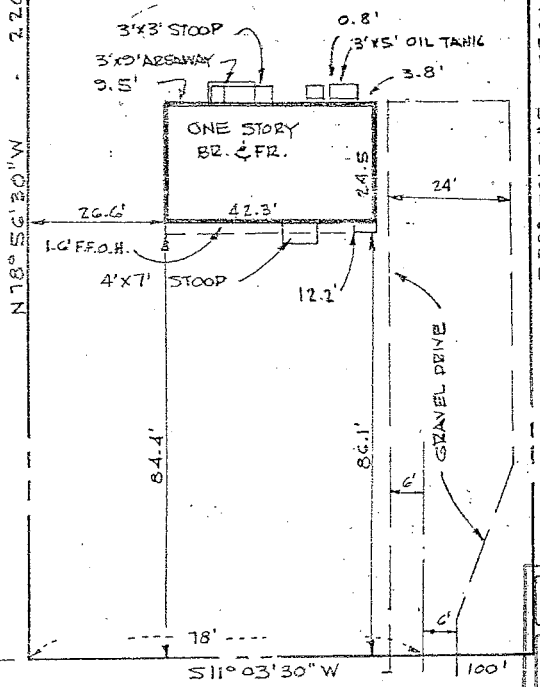
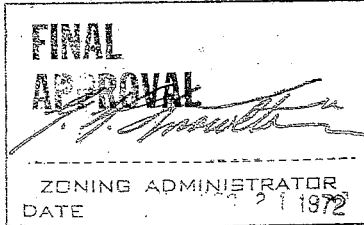
SECTION TWO

LEE DISTRICT - FAIRFAX CO., VA.

LOT 78

LOT 77

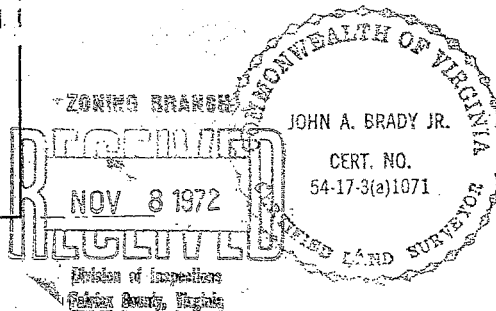
LOT 76



CERTIFIED CORRECT:

*John A. Brady Jr.*  
CLS #1071

DATE: OCT 23, 1972



PREPARED BY:

JOHN A. BRADY, JR.  
PROFESSIONAL ENGINEER  
CERTIFIED LAND SURVEYOR  
5609 HELMSDALE LANE  
ALEXANDRIA, VA  
PHONE 971-1732  
OCTOBER 23, 1972

WINDHAM AVE.  
60' WIDE

<b>MAP REFERENCE</b> Subd. Dist. Bk. or Sec. Parcel or lot 15 2 14 1	<b>COUNTY OF FAIRFAX, VIRGINIA</b> DEPARTMENT OF <b>ENVIRONMENTAL MANAGEMENT</b> Application for Building Permit	<b>APPLICATION NO.</b> 1116131 <b>DATE</b> 11/29/77 <b>PERMIT NO.</b>
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To: ☒ BUILD ☐ ALTER OR REPAIR ☐ ADD TO ☐ DEMOLISH ☐ MOVE ☐

<b>JOB LOCATION</b>	Street <u>6421 WINDHAM AVE.</u> Lot No. <u>77</u> Subdivision <u>WINDSOR ESTATES</u> Block <u>2</u> Section <u>3</u>	<b>DESCRIPTION</b> For <u>FIREPLACE CHIMNEY AND DETACHED GARAGE</u>
<b>OWNER</b>	Corp. Name <u>owner</u> Name <u>ROBERT CINIBULK SR.</u> (Rep. Agent) Address <u>6421 WINDHAM AVE.</u> City <u>ALEX. Va. 22310</u> <u>971-4358</u> Telephone Number	No. of Bldgs. <u>3</u> Est. Const. Cost \$ <u>1350.00</u> No. of Units <u>1</u> No. of Stories <u>1</u> No. of Kitchens <u>1</u> Penthouse <u>1</u> No. of Baths <u>1</u> Ht. of Bldg. <u>10</u> ft. No. of Rooms <u>20</u> Bldg. Area <u>20x24=480</u> sq. ft. (Exclude Kit. & Bath) Basement <input type="checkbox"/> Slab <input type="checkbox"/> Crawl <input type="checkbox"/> Soil: Solid <input checked="" type="checkbox"/> Fill <input type="checkbox"/>
<b>ARCHITECT/ENGINEER</b>	Name <u>owner</u> Address City	Fig. Concrete <input checked="" type="checkbox"/> Pile <input type="checkbox"/> Caisson <input type="checkbox"/> Ext. Walls: Wood <input type="checkbox"/> Metal <input type="checkbox"/> Brick <input checked="" type="checkbox"/> Int. Walls: Plaster <input type="checkbox"/> Drywall <input type="checkbox"/> Panel <input type="checkbox"/> Roof: Flat <input type="checkbox"/> Pitch <input checked="" type="checkbox"/> Shed <input type="checkbox"/> Roofing: Built-up <input type="checkbox"/> Shingle <input checked="" type="checkbox"/> Roll <input type="checkbox"/>
<b>CONTRACTOR</b>	Name <u>owner</u> Address City County Reg. # State Reg. #	Heat: Oil <input type="checkbox"/> Gas <input type="checkbox"/> Electric <input type="checkbox"/> Equipment: Boiler <input type="checkbox"/> Furnace <input type="checkbox"/> Heat Pump <input type="checkbox"/> Air-Cond. <input type="checkbox"/> Sewage: Public <input checked="" type="checkbox"/> Community <input type="checkbox"/> Septic Tank <input type="checkbox"/> None <input type="checkbox"/> Water: Public <input checked="" type="checkbox"/> Individual Well <input type="checkbox"/> None <input type="checkbox"/> Remarks:

I hereby certify that I have the authority to make this application, that the information given is correct, and that the use and construction shall conform to the County Health Regulations, the Building and Zoning Ordinances, and private deed restrictions, if any, which are imposed on the property.

Phone No. 971-4358 Date 11/29/77 Signature of Owner or Auth. Agent Robert Cinibulk

APPLICANT: DO NOT WRITE BELOW THIS LINE

<b>PLAN APPROVAL</b>	Use Group of Building <u>B-2</u> Area of Bldg. <u>0</u> per Sq. Ft. \$ Type of Construction <u>F-B</u> \$ Fire District <u>0</u> \$ Date Checked <u>11/29/77</u> By <u>11/29/77</u> TOTAL FEE \$ <u>16.00</u>	Approved by Building Inspector <u>11/29/77</u>
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<b>ROUTING</b>	OFFICE	DATE	APPROVED BY	OFFICE	DATE	APPROVED BY
	Land Office	<u>11/29/77</u>	<u>SH</u>	Fire Marshall		
	Zoning Administrator	<u>11/29/77</u>	<u>JMG</u>	Design Review	<u>11/29/77</u>	<u>[Signature]</u>
	Public Works			Housing & License	<u>11/29/77</u>	<u>[Signature]</u>
	Health Dept.			Assessments	<u>11/29/77</u>	<u>[Signature]</u>

<b>CERTIFICATION</b>	I hereby certify to the following statement: 1. All materials used for work performed under this permit will be paid directly to the supplier by the property owner. 2. All compensation will be on an hourly basis and paid by the property owner directly to the person(s) performing work under this permit.	
	Date <u>Nov. 29</u> 19 <u>77</u> By <u>Robert Cinibulk Sr.</u> Property Owner	By <u>[Signature]</u> Authorized Agent
	Supervisor of Assessments <u>Robert Cinibulk Sr.</u> Property is listed in name of <u>[Signature]</u> Magisterial District <u>[Signature]</u> Deed Book Reference <u>[Signature]</u> Supervisor <u>[Signature]</u>	

<b>ZONING</b>	Subdivision <u>Windsor Estates</u> Lot No. <u>77</u> Block <u>2</u> Section <u>3</u> Zone <u>BE-1</u> Street Address <u>6421 WINDHAM AVE.</u> Use of Bldg. <u>detached garage</u> Use after Alteration <u>detached garage</u> No. Families <u>1</u> BZA <u>[Signature]</u> SITE PLAN <u>[Signature]</u> Set Back: Front <u>25'</u> Rt. Side <u>25'</u> Left Side <u>25'</u> Rear <u>25'</u> Zoning Administrator <u>[Signature]</u>
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# BUILDING PERMIT APPLICATION

FAIRFAX COUNTY OFFICE OF BUILDING CODE SERVICES

PERMIT APPLICATION CENTER

12055 Government Center Parkway, 2nd Floor  
Fairfax, Virginia 22035-5504

Telephone: 703-222-0801  
Web site: <http://www.co.fairfax.va.us/dpwcs>

PERMIT #

03133B1040

FOR INSPECTIONS CALL 703-222-0455 (see back for more information)

DO NOT WRITE IN GRAY SPACES - COUNTY USE ONLY

PLAN #

R-03-00582

TAX MAP #

091-3-1031 10077

FILL IN ALL APPROPRIATE INFORMATION IN THIS COLUMN  
(PLEASE PRINT OR TYPE)

## JOB LOCATION

ADDRESS 6421 Windham Ave Alex 22315  
LOT # 77 BUILDING  
FLOOR SUITE Sec 2nd  
SUBDIVISION Windsor Estates  
TENANT'S NAME Paul & Nora Skiba

## OWNER INFORMATION

OWNER ☒ TENANT ☐

NAME Paul & Nora Skiba  
ADDRESS 6421 Windham Ave  
CITY Alexandria STATE VA ZIP 22315  
TELEPHONE 703-922-5528

## CONTRACTOR INFORMATION

SAME AS OWNER ☒

CONTRACTORS MUST PROVIDE THE FOLLOWING:

COMPANY NAME  
ADDRESS  
CITY STATE ZIP  
TELEPHONE  
STATE CONTRACTORS LICENSE #  
COUNTY BPOL #

## APPLICANT

Nora Skiba

## DESCRIPTION OF WORK

addition 2 story

30x30 Mult. WK

HOUSE TYPE Single Family Bi-Level  
ESTIMATED COST OF CONSTRUCTION 30000  
BLDG AREA (SQ FT OF FOOTPRINT) 24  
TYPE OF CONSTRUCTION Addition  
SEWER SERVICE PUBLIC ☒ SEPTIC ☐ OTHER ☐  
WATER SERVICE PUBLIC ☒ WELL ☐ OTHER ☐  
OTHER PLEASE SPECIFY

## DESIGNATED MECHANICS' LIEN AGENT

(Residential Construction Only)

NAME  
ADDRESS

NONE DESIGNATED ☐ PHONE

## CHARACTERISTICS FOR NEW SFD, TH, APT & CONDOS

# KITCHENS	EXTER. WALLS
# BATHS	INTER. WALLS
# HALF BATHS	ROOF MATERIAL
# BEDROOMS	FLOOR MATERIAL
# OF ROOMS	FIN. BASEMENT
# STORIES	HEATING FUEL
BUILDING HEIGHT	HEATING SYSTEM
BUILDING AREA	# FIREPLACES
BASEMENT	

Any and all information and/or stamps on the reverse side of this form are a part of this application and must be complied with. I hereby certify that I have authority of the owner to make this application, that the information is complete and correct, and that the construction and/or use will conform to the building code, the zoning ordinance and other applicable laws and regulations which relate to the property.

Nora Skiba 5/13/03  
Signature of Owner or Agent Date

Nora Skiba owner  
Printed Name and Title

(Notarization of signature is required if owner is listed as the contractor and is not present at time of application)

ROUTING	DATE	APPROVED BY
LICENSING		
ZONING	<u>5/21/03</u>	<u>SS</u>
SITE PERMITS	<u>7-17-03</u>	<u>mu</u>
HEALTH DEPT.		
BUILDING REVIEW	<u>8-26-03</u>	<u>ABV</u>
SANITATION		
FIRE MARSHAL		
ASBESTOS		
PROFFERS		

FEE \$  
FILING FEE \$  
AMOUNT DUE = \$ 220.80

## BUILDING PLAN REVIEW

REVIEWER # OF HOURS  
REVISION FEES \$  
FIRE MARSHAL FEES \$  
FIXTURE UNITS PLAN LOC: J ☐ R ☐

## APPROVED FOR ISSUANCE OF BUILDING PERMIT

(LOG OUT)  
BY JPB DATE 8/26/03

## ZONING REVIEW

USE S1D  
ZONING DISTRICT R-1 HISTORICAL DISTRICT  
ZONING CASE #

## GROSS FLOOR AREA OF TENANT SPACE

YARDS: GARAGE 1 ☐ 2 ☐ 3 ☐  
FRONT NC OPTIONS YES ☐ NO ☐  
FRONT NC REMARKS  
L SIDE 27  
R SIDE 20+  
REAR 80  
2 story add'n  
ad wet bar  
and kitchen

## GRADING AND DRAINAGE REVIEW

SOILS # B A ☐ B ☐ C ☐  
AREA TO BE DISTURBED (TOTAL SQ FT THIS PERMIT) 2000  
IMPERVIOUS AREA (TOTAL SQ FT THIS PERMIT) 900  
PLAN # APPR. DATE

## STAMPS

DRWP, FF, 2SD, FCMAT  
(See reverse side of application) (over)

## REMARKS

INT ALT - 5  
ADD 125K SOL ID  
Not attached

## NOTARIZATION (if required)

State (or territory or district) of

County (or city) of, to wit: I,

a

Notary Public in the State and County aforesaid, do certify that

whose name is signed to this application, appeared before me in the State and County aforesaid

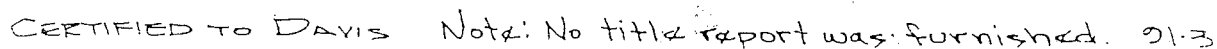
and executed this affidavit.

Given under my hand this day of 20

My

commission expires the day of 20

(Notary Signature)





2004 Aerial



2007



2007 Aerial



2009



2009 Aerial





2011 Aerial

2011

**8-006 General Standards**

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.



**8-903 Standards for All Group 9 Uses**

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

8-914

**Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location**

The BZA may approve a special permit to allow a reduction to the minimum yard requirements for any building existing or partially constructed which does not comply with such requirements applicable at the time such building was erected, but only in accordance with the following provisions:

1. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia and such plat shall contain the following information:
  - A. Boundaries of entire property, with bearings and distances of the perimeter property lines and of each zoning district.
  - B. Total area of the property and of each zoning district in square feet or acres.
  - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
  - D. Location of all existing structures, with dimensions, including height of any structure and penthouse, and if known, the construction date(s) of all existing structures.
  - E. All required minimum yards to include front, side and rear, and a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing structures to lot lines.
  - F. Means of ingress and egress to the property from a public street(s).
  - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
  - H. If applicable, the location of well and/or septic field.
  - I. For nonresidential uses, a statement setting forth the maximum gross floor area and FAR for all uses.
  - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
  - K. Seal and signature of professional person certifying the plat.

In addition, the application shall contain a statement of justification explaining how the error in building location occurred and any supportive material such as aerial photographs, Building Permit applications, County assessments records, a copy of the contract to build the structure which is in error, or a statement from a previous owner indicating how the error in building location occurred.

2. The BZA determines that:
  - A. The error exceeds ten (10) percent of the measurement involved, and
  - B. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the relocation of the building subsequent to the issuance of a Building Permit, if such was required, and
  - C. Such reduction will not impair the purpose and intent of this Ordinance, and
  - D. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
  - E. It will not create an unsafe condition with respect to both other property and public streets, and
  - F. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner.
  - G. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.
3. In granting such a reduction under the provisions of this Section, the BZA shall allow only a reduction necessary to provide reasonable relief and may, as deemed advisable, prescribe such conditions, to include landscaping and screening measures, to assure compliance with the intent of this Ordinance.
4. Upon the granting of a reduction for a particular building in accordance with the provisions of this Section, the same shall be deemed to be a lawful building.
5. The BZA shall have no power to waive or modify the standards necessary for approval as specified in this Section.